

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARIUS BATTIS,

Plaintiff,

-against-

CYNTHIA BRANN ET AL.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 10/14/21

20-cv-9406 (ALC)

ORDER OF DISMISSAL

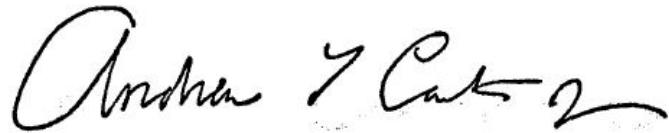
ANDREW L. CARTER, JR., United States District Judge:

On January 14, 2021, the Court granted Plaintiff leave to amend his complaint by within sixty days of the issuance of the order. ECF No. 9. On May 8, 2021, the Court ordered Plaintiff to show cause by June 8, 2021 as to why this action should not be dismissed without prejudice for failure to comply with this Court's January 14, 2021 Order. ECF No. 10. Upon receiving Plaintiff's corrected mailing address, the Court extended Plaintiff's time to show cause. ECF No. 11. Such showing was not made. Accordingly, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . .").

The Clerk of Court is directed to serve Plaintiff with a copy of the instant order.

SO ORDERED.

Dated: October 14, 2021
New York, New York



ANDREW L. CARTER, JR.
United States District Judge